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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,362	12/21/2005	Ross A. Gresley	INA-16	3814
20311 7590 02/11/2008 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER				
CHARLES, MARCUS				
ART UNIT		PAPER NUMBER		
3682				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/558,362

## Applicant(s)

GRESLEY, ROSS A.

## Examiner

Marcus Charles

## Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to the amendment and argument filed 11-21-2007, which has been entered. Claims 1-7 are allowed.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Muntnich et al. (4,971,460). Muntnich et al. discloses a radial/axial bearing (see fig. 1) comprising a radial bearing (1) received in a cylindrical sleeve (3) and having a cylindrical rolling bodies (1) and an axial bearing having cylindrical rolling bodies (4) such that the radial and axial bearings are connected to form a captive structural unit comprising an outer running track (see 15) of the axial bearing is formed by a radially inward-pointing rim (6) of the cylindrical sleeve (3), the rim adjoining an axially outward projecting cylindrical portion (not labeled) of the sleeve (3), while an inner running track (see item 5) of the axial bearing is formed by a radially outward pointing rim (see 5) of the inner ring (2) of the radial bearing; the prolongation of the axes of rotation of the radial bearing (1) intersect the axis of the axial bearing intersects at the center of the cylindrical rolling body (4) of the axial bearing.

In claim 4, note the inward pointing flange (4).

In claims 5-6, note the cages for the axial and radial bearings (see attached

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drawing).

In claim 7, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muntznich et al. in view of Bauer et al. (5,829,890). Muntznich et al. do not disclose the radial bearing (1) has a smaller ratio of diameter to the length than the rolling bearing (4) of the axial bearing. Bauer et al. disclose a radial/axial bearing having a radial bearing (R) with a smaller ratio diameter to the length than the axial bearing (5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Muntznich et al. so that the radial bearings have a smaller ratio of diameter to the length than the axial bearing in view of Bauer et al. in order to reduce actual friction and to reduce the radial size of the bearing thus making the bearing more compact.

Regarding claim 3, Muntznich et al. in view of Bauer et al. fails to disclose the ratio

as claimed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Muntnich et al. in view of Bauer et al. so as to obtain the ratios as claimed, since it has been held that where the general conditions of a claim is disclosed in the prior art, discovering the optimum ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

### ***Response to Arguments***

5. Applicant's arguments filed 11-21-2007 have been fully considered but they are not persuasive. Applicant contended that the Muntnich reference does not disclose a radial/axial bearing the bearing is directly opposite of that of the instant invention. It should be noted that the rejection is solely based on what is being claimed. Applicant has not provided any evidence that the prior art does not meet the invention as claimed. Muntnich teaches all the element of the claim as presented, included the axes the rolling bodies intersect. It should also be noted that the term used in the preamble to describe the bearing must breathe life and meaning into the body of the claim and therefore, the body of the claim does not distinguish between an axial/radial bearing and a radial/axial bearing. Applicant argument is not base on the difference between the claimed invention and the prior art but is based on the description. Regarding the argument relating to Bauer, applicant argument does not address the prior art rejection. Applicant contended that Bauer reference does not teach the cylindrical sleeve that forms an outer running track of the axial bearing also forms the outer running track of the radial bearing. It should be noted the prior art top Bauer was used to overcome the

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diameter ratio of the bearings and not the cylindrical sleeve of the bearing. Therefore, for reasons given above the rejection is deemed proper.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Marcus Charles/  
Primary Examiner, Art Unit 3682

